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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

DRAFT REPORT OF THE COMMISSION

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1997/45. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

Recalling resolution 45/2 adopted by the Economic and Social Commission for Asia and the Pacific on 5 April 1989,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

Welcoming the holding of the Colloquium on Human Rights in Manila on 16 and 17 January 1994, the first in a series of workshops to be organized by the Institute of Strategic and International Studies of the Association of South-East Asian Nations, intended, inter alia, to facilitate the process of developing a subregional human rights body for the protection and promotion of human rights in countries of the Association of South-East Asian Nations, in fulfilment of the decision of the Association to consider the establishment of an appropriate mechanism on human rights,

Recognizing the valuable contribution that independent national institutions can make in the field of human rights to the concept of regional arrangements,

Recognizing also that non-governmental organizations involved in the field of human rights have an important role to play in this process,

Welcoming the contribution to the development of regional human rights arrangements made by the fifth workshop on regional human rights arrangements in the Asian and Pacific region held in Amman from 5 to 7 January 1997, particularly the workshop's conclusions,

Reiterating that such workshops should be organized regularly, and if possible annually as proposed by the Government of the Republic of Korea and endorsed by the Commission in its resolution 1995/48,

Mindful that the agreements reached at the fifth workshop were built upon the accomplishments of previous workshops,

1. Welcomes the report of the Secretary-General (E/CN.4/1997/44) and the progress achieved in the implementation of Commission on Human Rights resolution 1996/64 of 23 April 1996;

2. Also welcomes the regional workshops on various human rights issues which have been held in the Asian and Pacific region, including the workshop held in Manila from 7 to 11 May 1990, the workshop held in Jakarta

from 26 to 28 January 1993, the workshop held in Seoul from 18 to 20 July 1994, the workshop held in Kathmandu from 26 to 28 February 1996 and the workshop held in Amman from 5 to 7 January 1997;

3. Reaffirms that all human rights are universal, indivisible and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. Reaffirms that regional arrangements play a fundamental role in promoting and protecting human rights and that they should reinforce universal human rights standards, as contained in international human rights instruments, and their protection;

5. Takes into account the Bangkok Declaration wherein it is recognized that while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds;

6. Reaffirms, in accordance with the Amman workshop conclusions, that all human rights, civil and political, economic, social and cultural, including the right to self-determination of people under colonial or alien domination or foreign occupation, as well as the right of return, are universal, interdependent and indivisible and are legal rights stricto sensu;

7. Recognizes the need to develop strategies for the promotion and progressive realization of the right to development and to eliminate obstacles in this regard;

8. Endorses the conclusions of the fifth workshop, including the recognition of the importance of step-by-step progress towards the establishment of a regional arrangement for the promotion and protection of human rights in the Asian and Pacific region, which must emerge from and be directed to the needs and priorities set by Governments of the region;

9. Welcomes the hosting for the first time of a workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region in West Asia, and recognizes the need to ensure that the

issues, concerns and priorities of West Asia will continue to be effectively addressed in future workshops;

10. Also welcomes the invitation of the Islamic Republic of Iran to host the sixth Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region in Tehran;

11. Notes that national institutions can make an important contribution to the ongoing process of developing regional human rights arrangements in the Asian and Pacific region, including in areas such as human rights education, mutual cooperation and information sharing and welcomes, in this respect, the establishment of the Asia-Pacific Forum of National Human Rights Institutions;

12. Also notes the contribution of representatives of non-governmental organizations and national human rights institutions in these workshops;

13. Further notes that the Asian and Pacific countries have developed a number of models of national institutions in accordance with their own national conditions and welcomes the establishment, in this regard, of a national commission of human rights by the Government of Sri Lanka;

14. Requests the Secretary-General to facilitate the realization of that activity under the regular budget of the United Nations for the programme of advisory services and technical assistance in the field of human rights;

15. Encourages all States in the Asian and Pacific region to consider further the establishment of regional arrangements for the promotion and protection of human rights, taking into consideration the conclusions of the fifth workshop;

16. Also encourages all Governments in the Asian and Pacific region to consider making use of the facilities offered by the United Nations, under the programme of advisory services and technical assistance for the promotion and protection of human rights, to further strengthen national human rights capacities;

17. Requests the Secretary-General to give adequate attention to the countries of the Asian and Pacific region by allocating more resources from existing United Nations funds to enable the countries of the region to benefit from all the activities under the programme of advisory services and technical assistance in the field of human rights and recognizes the contribution of the technical cooperation programme of the Centre for Human Rights in facilitating

the development of regional arrangements and other technical cooperation activities in the region;

18. Encourages all States members and associate members of the Economic and Social Commission for Asia and the Pacific and other parties to make full use of the depository centre of the Commission, and requests the Secretary-General to maintain a continuing flow of human rights material to its library;

19. Stresses that the regional cooperation programme could focus, inter alia, upon the request of Governments concerned, on strengthening the role of national human rights institutions in promoting the realization of all human rights, including, in particular, economic, social and cultural rights; realizing the right to development; developing methodologies for effective implementation of human rights education; elaborating guidelines for national action plans in the field of human rights; and developing strategies for cooperation on common problems, which should be implemented by drawing upon the expertise within the region to the fullest extent;

20. Also stresses, in accordance with the conclusions of the Amman workshop and the assurances of the High Commissioner for Human Rights, that the Centre's technical cooperation programme and the United Nations human rights monitoring will remain separate activities;

21. Requests the Secretary-General and the United Nations Development Programme to support this regional technical cooperation initiative and to provide resources for its implementation;

22. Also requests the Secretary-General, in accordance with the conclusions of the fifth workshop, to establish an open-ended team comprised of representatives of interested Governments of the region and, in consultation with the Centre for Human Rights, national institutions and non-governmental organizations, to:

(a) Ensure the effective preparation of the next workshop;

(b) Design a regional technical cooperation programme to facilitate the development of regional arrangements;

23. Calls upon the Centre for Human Rights to provide specific information on programmes available under the Voluntary Fund for Technical

Cooperation in the Field of Human Rights, to facilitate better access and fuller utilization of these programmes by all countries in the Asian and Pacific region;

24. Encourages States in the Asian and Pacific region to request assistance for such purposes as regional and subregional workshops, seminars and information exchanges designed to strengthen regional cooperation for the promotion and protection of human rights to assist in the development of regional arrangements;

25. Also encourages the ratification, by all States, of international human rights instruments, particularly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

26. Further encourages all States and regional and subregional organizations in the Asian and Pacific region to develop programmes for human rights education in that region;

27. Requests the Secretary-General to submit to the Commission at its fifty-fourth session a further report incorporating information on the progress achieved in the implementation of the present resolution;

28. Decides to continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

58th meeting
11 April 1997
[Adopted without a vote. See chap. IX.]

1997/46. Advisory services, technical cooperation and the Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as Commission on Human Rights resolution 1996/55 of 19 April 1996,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights called for an enhanced programme of advisory services in the field of human rights, as well as for a more efficient and transparent management of the programme,

Mindful that the High Commissioner for Human Rights, according to his mandate as established by the General Assembly in resolution 48/141 of 20 December 1993, is responsible, inter alia, for the provision of advisory services and technical cooperation at the request of States as well as for the coordination of human rights promotion and protection activities throughout the United Nations system,

Taking note with appreciation of the report of the Secretary-General (E/CN.4/1997/86) on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights and taking note also of the recommendations of the Board of Trustees of the Voluntary Fund,

1. Declares that advisory services and technical cooperation provided at the request of Governments with a view to developing capacities in the field of human rights constitute one of the most efficient and effective means of promoting and protecting all human rights and democracy;

2. Welcomes, therefore, the increasing number of requests for advisory services and technical cooperation in the field of human rights as an expression of the growing commitment of States to promote and protect human rights, and encourages all States in need of assistance in the field of human rights to consider making use of advisory services and technical cooperation in order to achieve the full enjoyment of all human rights;

3. Encourages the High Commissioner for Human Rights to develop further the potential for the provision of advisory services and technical cooperation;

4. Stresses that, with a view to assisting States in promoting and protecting human rights and strengthening the rule of law and democracy, priority should be given to technical cooperation programmes designed to address the specific requirements of the requesting countries;

5. Reaffirms that the provision of advisory services and technical cooperation does not exempt any country from the monitoring activities of the human rights programme, and notes in this regard that, in order to produce lasting results, monitoring and preventive activities may need to be

accompanied by promotional activities through advisory services and technical cooperation;

6. Welcomes progress made in the management of the programme of advisory services and technical cooperation, notably the efforts made to apply more efficient procedures and training of staff in the area of project identification, management and evaluation, as well as the progressive development of clear objectives, strategies and priorities for the effective management of the technical cooperation programme, and, in accordance with the Vienna Declaration and Programme of Action, encourages the Secretary-General to pursue these efforts further;

7. Also welcomes recent efforts to integrate economic, social and cultural rights as well as a gender perspective into the technical cooperation programme;

8. Reaffirms that advisory services and technical cooperation in the field of human rights require close cooperation and coordination between United Nations bodies and specialized agencies active in this field so as to enhance the effectiveness and efficiency of their respective programmes and avoid unnecessary duplication, and requests the High Commissioner to explore yet further possibilities for cooperation with specialized agencies and other organizations of the United Nations system, as well as non-governmental organizations;

9. Encourages in particular the cooperation between the High Commissioner/Centre for Human Rights and the United Nations Development Programme, with a view to integrating the promotion of all human rights, the rule of law and democracy into the country programmes of the United Nations Development Programme and working together in the execution of projects;

10. Invites relevant United Nations treaty bodies, special rapporteurs and representatives, as well as working groups, to continue to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services and technical cooperation in the field of human rights;

11. Notes with concern that in the current biennium the budgetary resources for technical cooperation in the field of human rights have decreased by half as compared with the previous biennium, and requests the Secretary-General to allocate to the human rights programme, in the context of the budgetary planning for the biennium 1998-1999, more human and financial

resources for the enlargement of the programme of advisory services and technical cooperation in the field of human rights in order to meet the substantially increased demand;

12. Expresses its appreciation for the contributions made to the Voluntary Fund for Technical Cooperation in the Field of Human Rights and welcomes in particular the increasing contributions made by developing countries, and invites more Governments and non-governmental organizations to consider contributing;

13. Requests the Secretary-General, in accordance with Part II, paragraph 16, of the Vienna Declaration and Programme of Action and in cooperation with the Board of Trustees of the Voluntary Fund as advisory body, to continue to ensure more efficient management of the Voluntary Fund, strict and transparent project management rules, periodical evaluations of the programme and projects, and the dissemination of evaluation results, including programme implementation and financial accounting reports, as well as to arrange for the holding of information meetings open to all Member States and organizations directly involved in the advisory services and technical cooperation programme;

14. Requests the Board of Trustees to continue to exercise its full mandate as advisory body to promote and solicit contributions to the Voluntary Fund and to continue to assist the High Commissioner for Human Rights in monitoring, reviewing and improving constantly the implementation of technical cooperation projects, the conduct of comprehensive needs assessments and the monitoring of ongoing as well as the evaluation of completed projects, and invites the Chairman of the Board to address the Commission;

15. Emphasizes the need for the nomination of a new coordinator for the Voluntary Fund with substantial experience in development cooperation;

16. Requests the Secretary-General to continue to provide the necessary administrative assistance for the Board, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on Human Rights on technical cooperation in the field of human rights;

17. Also requests the Secretary-General to submit an analytical report to the Commission on Human Rights at its fifty-fourth session on the progress and concrete achievements made as well as obstacles encountered in the

implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the Voluntary Trust Fund for Technical Cooperation in the Field of Human Rights.

58th meeting
11 April 1997

[Adopted without a vote. See chap. XVIII.]

1997/47. Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Recalling its resolution 1996/57 of 19 April 1996, in which it invited the independent expert to study ways and means of how best to implement, at the earliest possible date, a programme of advisory services for Somalia, upon request, inter alia through the contributions of agencies and programmes of the United Nations currently in the field, aimed at re-establishing respect for human rights and the rule of law and strengthening the police and the judicial and the prison systems in Somalia, in a manner consistent with internationally accepted criminal justice standards,

Noting with concern that the breakdown of governmental authority in Somalia has exacerbated the grave situation of human rights in the country,

Welcoming all efforts aimed at improving the humanitarian situation in Somalia, such as those of agencies and programmes of the United Nations, other humanitarian organizations and non-governmental organizations,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems but, as stated by the independent expert, that the international community should not abandon them in this tragic period of their national history,

Noting with appreciation the efforts of concerned countries and organizations, in particular the Organization of African Unity, the Intergovernmental Authority on Drought and Development, the League of Arab States and the Organization of the Islamic Conference, to promote a direct political dialogue,

Affirming the need for a peaceful process leading to the disarming of factions, political reconciliation and the re-establishment of effective government committed to the promotion and protection of human rights,

Deeply concerned at reports of arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence against women and children, and at the absence of an effective judicial system essential to ensure the right to a fair trial in accordance with international standards,

Deploring continued attacks, acts of reprisal, abductions and other acts of violence committed against personnel of humanitarian organizations and non-governmental organizations and representatives of the international media in Somalia, sometimes resulting in serious injury or death,

Recognizing the negative impact that the current situation is having on neighbouring countries, in particular through refugee outflows,

Noting that, under the prevailing circumstances, it has been extremely difficult for the independent expert to fulfil her mandate as envisioned by the Commission,

Believing nonetheless that the High Commissioner/Centre for Human Rights should be in a position, through its programme of advisory services and technical assistance, to reinforce any positive political developments in Somalia by providing assistance, including to the police and the judicial and penal systems as well as to other institutions for the promotion and protection of human rights,

1. Takes note with appreciation of the report of the independent expert (E/CN.4/1997/88 and Corr.1) and in particular of its conclusions and recommendations;

2. Calls upon all parties to the conflict in Somalia to work towards a peaceful solution to the crisis;

3. Strongly urges all parties in Somalia to respect human rights and international humanitarian law pertaining to internal armed conflict, to support, as recommended by the independent expert, the re-establishment of the

rule of law throughout the country, in particular by applying internationally accepted criminal justice standards, and to protect United Nations personnel, humanitarian relief workers and representatives of non-governmental organizations and of the international media;

4. Calls upon regional organizations and concerned countries to continue and intensify the efforts aimed at facilitating the national reconciliation process in Somalia, aware of the fact that the peaceful coexistence of all parties and groups is an important foundation for the respect of human rights;

5. Calls upon individual donor countries, international organizations and non-governmental organizations to incorporate human rights principles and objectives into the humanitarian and development work they carry out in Somalia and to cooperate with the independent expert;

6. Requests the independent expert to report on the human rights situation in Somalia to the Commission at its fifty-fourth session, in particular on the basis of a detailed assessment of the means necessary to establish a programme of advisory services and technical assistance through, inter alia, the contribution of agencies and programmes of the United Nations in the field, as well as of the non-governmental sector;

7. Requests the Secretary-General to provide the independent expert with all necessary assistance in discussing her mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the High Commissioner/Centre for Human Rights for the implementation of advisory services and technical assistance;

8. Invites Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

9. Decides to continue consideration of the question at its fifty-fourth session under the same agenda item.

58th meeting
11 April 1997
[Adopted wi nout a vote. See chap. XVIII.]

1997/48. Assistance to States in strengthening the rule of law

The Commission on Human Rights,

Recalling that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that, as stressed in the Universal Declaration of Human Rights, the rule of law is an essential factor in the protection of human rights and should continue to attract the attention of the international community,

Convinced also that through their own national legal and judicial systems States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Centre for Human Rights in supporting national efforts to strengthen the institutions of the rule of law,

Bearing in mind that, in its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, inter alia, providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights and coordinating human rights activities throughout the United Nations system,

Recalling the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations and under the coordination of the Centre for Human Rights with a view to helping States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law,

Recalling also its resolution 1996/56 of 19 April 1996 and General Assembly resolution 51/96 of 12 December 1996,

1. Takes note with satisfaction of the report of the Secretary-General to the General Assembly (A/51/555), submitted in conformity with Assembly resolution 50/179 of 22 December 1995;

2. Takes note with interest of the proposals contained in the report of the Secretary-General for strengthening the programme of advisory services

and technical assistance of the Centre for Human Rights in order to comply fully with the recommendations of the World Conference on Human Rights concerning assistance to States in strengthening their institutions which uphold the rule of law;

3. Praises the efforts made by the United Nations High Commissioner for Human Rights and the Centre for Human Rights to accomplish their ever-increasing tasks with the limited financial and personnel resources at their disposal;

4. Expresses its deep concern at the scarcity of means at the disposal of the Centre for the fulfilment of its tasks;

5. Notes that the programme of advisory services and technical assistance does not have assistance funds sufficient to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends, but which face economic hardship;

6. Affirms that the High Commissioner, with the assistance of the Centre, remains the focal point for coordinating system-wide attention for human rights, democracy and the rule of law;

7. Welcomes the consultations and contacts initiated by the High Commissioner with other relevant bodies and programmes of the United Nations system aiming at the enhancement of inter-agency coordination and cooperation in providing assistance for the strengthening of the rule of law;

8. Encourages the High Commissioner to pursue these consultations, taking into account the need to explore new synergies with other organs and agencies of the United Nations system with a view to obtaining increased financial assistance for human rights and the rule of law;

9. Also encourages the High Commissioner to continue to explore the possibility of further contact with and support of financial institutions, acting within their mandates, with a view to obtaining technical and financial

means to strengthen the capacity of the Centre to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law;

10. Requests the High Commissioner to accord high priority to the technical cooperation activities undertaken by the Centre with regard to the rule of law;

11. Takes note with appreciation of the proposal of the High Commissioner to convene a high-level meeting of relevant United Nations agencies and programmes in order to analyse means, modalities, financing and allocation of responsibilities for the implementation of a comprehensive United Nations programme of assistance for the rule of law, taking into account the experience of the technical cooperation programme of the Centre;

12. Decides to continue its consideration of the question of assistance to States in strengthening the rule of law at its fifty-fifth session in the light of the report to be submitted by the Secretary-General to the General Assembly at its fifty-second session pursuant to Assembly resolution 51/96 as well as any relevant information that might be provided by the High Commissioner on Human Rights on this matter.

58th meeting
11 April 1997

[Adopted without a vote. See chap. XVIII.]

1997/49. Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed in Paris on 23 October 1991, including Part III relating to human rights,

Recalling Commission on Human Rights resolution 1996/54 of 19 April 1996, General Assembly resolution 51/98 of 12 December 1996, and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, in which it requested the Secretary-General to appoint a special representative in Cambodia, and the subsequent appointment of a special representative,

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that the tragic recent history of Cambodia requires special measures to ensure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

Desiring that the United Nations respond positively, within existing resources, to assist efforts to investigate Cambodia's tragic recent history, including responsibility for past international crimes, such as acts of genocide and crimes against humanity,

Commending the ongoing efforts of the office of the Centre for Human Rights in Cambodia in supporting and assisting the Government of Cambodia, as well as assisting non-governmental organizations and others involved in the promotion and protection of human rights in cooperation with the Government of Cambodia,

Welcoming and encouraging the efforts of individuals, non-governmental organizations, Governments and international organizations involved in human rights activities in Cambodia,

Welcoming the understanding reached between the Special Envoy of the Secretary-General and the Government of Cambodia in May 1995 regarding increased consultations between the Centre for Human Rights and the Government of Cambodia,

1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights;

2. Welcomes the report of the Secretary-General on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (E/CN.4/1997/84);

3. Also welcomes the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia and the signing of a memorandum of understanding with the Government of Cambodia in March 1996 to allow the office of the Centre

for Human Rights to continue operating for the next two years and to maintain its technical cooperation programmes;

4. Takes note with appreciation of the report of the Special Representative on the situation of human rights in Cambodia (E/CN.4/1997/85), in particular his concerns about the rule of law, the independence of the judiciary, the problem of impunity, the ill-treatment of prisoners, labour rights, child prostitution and trafficking, freedom of expression and the promotion of an effective functioning multi-party democracy;

5. Welcomes the efforts made by the Government of Cambodia to promote and protect human rights, especially in establishing a mechanism through its National Assembly Commission on Human Rights and Receipt of Complaints for investigating alleged human rights violations, the adoption of the new labour law, and in the area of human rights education;

6. Notes with concern the lack of response by the Government of Cambodia to several of the recommendations contained in the Special Representative's previous report and urges that it respond as soon as possible, and requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to continue his evaluation of the extent to which the recommendations made by the Special Representative in his report, and those contained in his previous report, are followed up and implemented;

7. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;

8. Notes with serious concern the Special Representative's strong criticism of the system of justice in Cambodia, urges the Government of Cambodia to increase its efforts to create a functioning and impartial system of justice, including convening the Supreme Council of Magistracy, and, in the area of prisons, strongly urges the Government of Cambodia to institute a system to guarantee the essential sustenance of prisoners and to continue its efforts to improve the physical environment of prisons;

9. Expresses serious concern at the comments made by the Special Representative concerning the continuing problem of impunity whereby the courts are reluctant or unable to charge members of the military, police and other security forces with serious criminal offences, and encourages the Government of Cambodia, as a matter of critical and urgent priority, to

address the problem of impunity, including the repeal of article 51 of the 1994 Law on Civil Servants which in effect places the military and police and other government officials above the principle of equality before the law;

10. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, including rape, illegal arrest and detention, as detailed in the reports of the Special Representative and his predecessor, and calls upon the Government of Cambodia to prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;

11. Welcomes the efforts by the Government of Cambodia to promote peace, strongly urges the remaining Khmer Rouge to cease fighting, reiterates concern about serious abuses committed by remaining Khmer Rouge, including the taking and killing of hostages, and demands that any hostages be released immediately;

12. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to examine any request by Cambodia for assistance in responding to past serious violations of Cambodian and international law as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability;

13. Calls upon the Government of Cambodia to investigate cases of violence and intimidation directed at political parties and their supporters, as well as against media personnel and offices, and to bring to justice those responsible;

14. Strongly condemns the violence in Phnom Penh on 30 March 1997 on participants of a peaceful and lawful opposition rally exercising their democratic rights and which resulted in numerous deaths and injuries, and calls upon the Government of Cambodia to take immediate and effective measures to uphold the rule of law in order to prevent the recurrence of such an outrage and to bring the perpetrators to justice;

15. Notes that communal elections are due to be held in 1997 and National Assembly elections in 1998, and strongly urges the Government of Cambodia to promote and uphold the effective functioning of multi-party democracy, including the right to form political parties, stand for election, take part freely in a representative Government and freedom of expression, in accordance with the principles set out in paragraphs 2 and 4 of annex 5 to the Agreement signed in Paris on 23 October 1991;

16. Welcomes the proposed measures outlined by the Government of Cambodia in its comments (A/51/453/Add.1) on the report of the Secretary-General to the General Assembly at its fifty-first session (A/51/453) to ensure that the forthcoming communal and national elections are free and fair, and emphasizes the need for the legislative framework for the elections to be agreed upon and adopted by the National Assembly, for the security forces to remain neutral during the election campaign, for free and equal access to the media, for the individual vote to be confidential, for local and international observers to be welcomed, and for all parties to agree to accept the outcome;

17. Strongly encourages the Government of Cambodia to establish an independent body to supervise the holding of the elections, to ensure that the elections are free and fair and to ensure that the Constitutional Council will be convened in order to resolve election disputes;

18. Requests the Secretary-General to consider favourably, within existing United Nations resources, any request from the Government of Cambodia for assistance with the holding of the elections in Cambodia;

19. Commends the Government of Cambodia for its constructive approach to the inclusion of Cambodian human rights non-governmental organizations in the rehabilitation and reconstruction of Cambodia, and recommends that their skills be drawn upon to assist in ensuring that the forthcoming elections are free and fair;

20. Urges the Government of Cambodia to give priority attention to combating child prostitution and trafficking and, in this connection, to work with the office in Cambodia of the Centre for Human Rights, the United Nations Children's Fund and non-governmental organizations to develop an action plan;

21. Calls upon the Government of Cambodia to ensure the full observance of human rights for all persons within its jurisdiction in accordance with the International Covenants on Human Rights and other human rights instruments to which Cambodia is a party;

22. Recognizes the seriousness with which the Government of Cambodia has approached the preparation of its initial reports to the relevant treaty bodies and welcomes the submission of Cambodia's second report to the Committee on the Elimination of Racial Discrimination (CERD/C/292/Add.2), and encourages the Government to continue its efforts to meet its reporting obligations under international human rights instruments, drawing on the assistance of the office in Cambodia of the Centre for Human Rights;

23. Encourages the Government of Cambodia to request the Centre for Human Rights to provide advice and technical assistance with respect to the creation of an independent national institution for the promotion and protection of human rights;

24. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the Centre for Human Rights as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to the Trust Fund;

25. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to vulnerable groups, including women, children, disabled persons and minorities;

26. Expresses grave concern at the devastating consequences and destabilizing effects of the indiscriminate use of anti-personnel landmines on Cambodian society, encourages the Government of Cambodia to continue its support and efforts for the removal of these mines, and urges the Government of Cambodia to ban all anti-personnel landmines;

27. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-fourth session on the role of the Centre for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

28. Decides to continue its consideration of the situation of human rights in Cambodia at its fifty-fourth session, under the agenda item entitled "Advisory services in the field of human rights".

58th meeting
11 April 1997
[Adopted without a vote. See chap. XVIII.]